

REPRESENTING CHILDREN IN CONNECTICUT

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SELECTED CASES REGARDING A CHILD'S PRIVILEGE

Bieluch v. Bieluch, 190 Conn. 813 (1981)

Court rejected father's assertion of child's privilege in attempt to exclude evidence by psychological evaluator. "[T]his record does not require us to determine on what basis a claim of privilege should be resolved in a custody dispute where one parent asserts the privilege and the other, by offering the contested communications into evidence, intends to waive the privilege. The record does, however, serve to underscore how important it is that a trial court exercise its discretion to appoint independent counsel to represent the interests of minor children whenever the issue of child custody is seriously contested. Yontef v. Yontef, 185 Conn.____, 440 A.2d 899 (1981)."

G.S. v. T.S., 23 Conn. App. 509 (1990)

Trial court erred in allowing a father to waive child's privilege with sex abuse counselor over objections of mother and counselor. Held error not to appoint an AMC in light of allegations of abuse. AMC, if appointed, could have raised statute protecting child's privilege with sexual abuse counselor.

Sheiman v. Sheiman, 72 Conn. App. 193 (2002)

Defendant claimed error in trial court allowing AMC to be heard in support of Plaintiff's Motion *in limine* to preclude testimony by child's psychologist and in allowing AMC to assert child's privilege. Held: proper for AMC to be heard on the issue and to assert the child's statutory privilege.

In re Tayquon H., 76 Conn. App. 693 (2003)

Appointed GAL supersedes role of natural guardian to speak for the child's best interest in the litigation. If only AMC appointed, presumption that AMC is "proper person to fill the role of guardian for a particular legal action"

Gil v. Gil, 94 Conn. App. 306 (2006)

Post-judgment Motion for Contempt in which GAL exercised child's privilege to block testimony by child's treating psychologist. No AMC had been appointed. "Here, there is no indication that the child's legal interests and psychological interests were at odds. Further, the child was not represented by counsel during the contempt and modification of visitation proceedings. The guardian ad litem in this case was in the best position to evaluate and to exercise the child's confidentiality rights.(fn11) Consistent with § 52-146c (b), the guardian ad litem invoked the child's privilege."